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C O N F I D E N T I A L SECTION 01 OF 02 KABUL 004060

SIPDIS

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TAGS: PGOV PHUM PREL KDEM AF  
SUBJECT: HUMAN RIGHTS COMMISSION REBUTS MP'S ALLEGATIONS OF CORRUPTION

Classified By: Political Counselor Annie Pforzheimer for reasons 1.4 (b) and (d).

¶1. (SBU) Summary: An MP publicly accused the Afghan Independent Human Rights Commission (AIHRC), including Chairperson Sima Samar, of corruption, and repeated these allegations (without providing proof) in a follow-up meeting with Embassy officials. AIHRC Commissioner Nader Nadery has publicly and privately rebutted these claims, stating that the public allegations were made to discredit the AIHRC following the Commission's recent criticism of the Government of the Islamic Republic of Afghanistan (GIRoA) for its slow movement on transitional justice. End Summary.

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Kabuli Alleges AIHRC Corruption  
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¶2. (C) Speaking on behalf of the three-and-a-half month old National Participation Front (NPF) political movement, MP Najibullah Kabuli (Kabul, Tajik), held a press conference on December 5 during which he accused the AIHRC, and in particular Sima Samar, her brother Ahmad Ali Yaqoub, and AIHRC Commissioner Nader Nadery of corruption. Kabuli alleged Yaqoub, whom he said holds an unofficial position at the AIHRC, was put in charge of all of AIHRC's finances and has funneled money into an account belonging to Samar in Dubai. Kabuli also said he had proof that Samar has accepted between USD 250,000 and USD 300,000 in exchange for removing names from AIHRC's list of war criminals. Kabuli told the media the NPF is gathering evidence on nearly 100 other people they suspect are involved in corruption. He called for public support and government action to try criminals working within the GIRoA.

¶3. (C) In a separate meeting with Embassy officials on December 15, Kabuli elaborated on corruption claims he made in his press conference. He told us Samar, a Hazara, is "connected" to politicians and pointed to the "bias" in AIHRC's list of war criminals, noting in particular that Mohaqeq (a Hazara leader) does not appear on AIHRC's list. Kabuli told us confidently that Samar and six other commissioners are blackmailing war criminals. He said that AIHRC is not adhering to its confidentiality rules, and exploits video evidence of human rights abuses to extort money from war criminals. Kabuli reiterated that he has proof of bribery and embezzlement, although he did not provide concrete information despite our request. He said he does not trust the courts to fairly try a case against the AIHRC, and is calling for the development of a special court to do so. He warned that AIHRC is preparing fake financial documents to use in its defense.

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AIHRC: Allegations are Politically Motivated  
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¶4. (C) Following Kabuli's December 5 press conference, AIHRC Commissioner Nader Nadery immediately rebutted the National Participation Front's claims. He told Afghan press the allegations were false and called them "politically motivated." Nadery also claimed that Ahmad Ali Yaqoub is not involved in the organization's finances, and that both the finances and the actions of the Commission are transparent. Nadery also told media outlets that Kabuli's false allegations were themselves a crime, and that the AIHRC planned to take action against Kabuli.

¶5. (C) In a December 9 conversation with Embassy officials, Nadery told us that the AIHRC (which receives no USAID funding) is audited annually by PricewaterhouseCoopers, proving the embezzlement could not have occurred. Nadery said that the AIHRC had already filed a court case against Kabuli for slander. The AIHRC was prepared to defend itself in court should Kabuli choose to pursue his allegations, he said.

¶6. (C) Nadery also elaborated on his public claim that Kabuli's allegations were "politically motivated." He believes Kabuli's December 5 press conference was a direct response to his and Commissioner Farid Hamidi's criticism of the GIRoA on Tolo TV's December 3 "6:30 Magazine" news program. Nadery said the two commissioners criticized the government's lack of progress on the transitional justice action plan and the continuing presence of criminals in the government. According to Nadery, President Karzai's Chief of Staff called Tolo immediately following the broadcast and ordered Tolo not to air such critical programs. Nadery implied "someone in the Palace" may have put Kabuli up to the task of discrediting the AIHRC through his own media outlet,

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Emroz, which reportedly broadcast Kabuli's allegations repeatedly. Nadery said Kabuli contributed to Karzai's presidential campaign, and alleged that Emroz receives funding from the Palace.

¶7. (C) Comment: Donor organizations, led by the Swiss Agency for Development and Cooperation, noted to us that other accusations against the AIHRC have been for the most part dismissed. So far, we have not seen any proof that Kabuli's allegations against the AIHRC are true. They likely stem from the international community's renewed focus on corruption, and could either be an attempt to influence Samar's position in the new Karzai government (the chairperson of the AIHRC is appointed by the President), or discredit the Commission's work on transitional justice. We will continue to follow Kabuli's allegations, the media reaction, and any potential court cases.

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